

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 5-6, 8-9, 11, 15-18, 21-28 and 30 are pending. Claims 1, 6, 11, 18 and 27 are independent.

In the Official Action, claims 1, 5-6, 8-9, 11, 15-18, 21-28 and 30 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting in view of claim 1, 4, 5, 8, 9, 11, 13-19, 21-23, 25, 30 and 33 of co-pending U.S. Appl. Ser. No. 10/713,580; claims 1, 6, 8-9, 11, 18 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung (U.S. Patent Pub. No. 2003/049017) and Minoda (JP 07-037341); and claims 5, 16-17, 21-26, 28 and 30 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung, Minoda and Official Notice.

Applicant files herewith a terminal disclaimer relative to co-pending U.S. Appl. Ser. No. 10/713,580. Thus the double patenting is moot.

Briefly recapitulating, claim 1 is directed to

A method for reproducing contents information from an interactive optical disc device, comprising the steps of:

a) receiving contents information from a contents provider server via the Internet, storing the received contents information in a buffer memory, and synchronizing and reproducing data read from an interactive optical disc and the stored contents information;

b) if receipt of the contents information from the contents provider server is suspended or delayed, sending a last download position of the contents information in the buffer memory to the contents provider server, and sending a command for requesting re-sending of contents information subsequent to the last download position; and

c) in response to the command for requesting re-sending, receiving the contents information subsequent to the last download position, and synchronizing and reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc.

Chung describes a method of reproducing audiovisual (AV) data recorded in an information storage medium by invoking the AV data through a markup language document. The method includes: interpreting preload information included in the read markup language document; invoking a preload file relating to a content of the markup language document to be preloaded based on the preload information and storing the preload file to a first memory; reading the AV data and storing it in a second memory; and reading the AV data and the preload file to be preloaded from the second memory and the first memory, respectively, and displaying them based on the markup language document.

In Chung, the reader 1 reads a markup language document file or AV data from the DVD 300. The first memory 2 is a buffer memory that buffers the AV data read by the reader 1. The second memory 3 is a cache memory that caches the retrieved markup language document file. The AV decoder 4 decodes the AV data stored in the first memory 2 and outputs the AV data stream. The presentation engine 5 interprets the preload information included in the markup language document data, and requests a) the reader 1 to read the files to be preloaded or b) an Internet server (not shown) to send the files to be preloaded so that the files can be preloaded into the second memory 3 based on the interpreted preload information. When the files to be preloaded need to be displayed together with the AV data simultaneously, the presentation engine 5 invokes the file to be preloaded from the second memory 3 and displays the read file together with the AV data stream outputted by the AV decoder 4. In addition, the presentation

engine 5 interprets the discard information and discards the files to be discarded from the second memory 3.¹

However, as acknowledged by the Official Action, Chung does not disclose or suggest “b) if receipt of the contents information from the contents provider server is suspended or delayed, sending a last download position of the contents information in the buffer memory to the contents provider server, and sending a command for requesting re-sending of contents information subsequent to the last download position; and c) in response to the command for requesting re-sending, receiving the contents information subsequent to the last download position, and synchronizing and reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc.” To cure this deficiency, the Official Action applies Minoda.

Minoda describes transferring data from a compact disk to a minidisk, and correcting for errors caused by optical head skipping due to physical disruption (e.g., bumping the device while reading or recording. In the regard, Minoda describes a reproduction control device that detects that an error has occurred in an access unit during reproduction (e.g., reading from a compact disk) and resumes reproduction starting from several access units before the erroneous access unit.²

However, contrary to the Official Action, Minoda does not disclose or suggest delay or suspending receipt of the contents information from the contents provider server. In Minoda, there is no server. In Minoda, data is transferred from a compact disk to a minidisk via a buffer/memory. Indeed, paragraph [0012] of Minoda describes that controls 1 and 2 described

¹ Chung, Fig. 3, paragraph [0066].

above are performed in the reproduction control device, controls 3 and 4 are done by the verification unit, and controls 5 and 6 are done by the memory control device. None of these devices are a server, as recited in Applicant's independent claims.

Furthermore, Minoda does not disclose or suggest determining whether or not receipt of the contents information ...is suspended or delayed. In Minoda, errors during reading from one disk or writing to another disk are detected. Minoda does not disclose or suggest detecting the absence or presence of information flows.

Furthermore, Minoda does not disclose or suggest "sending a last download position of the contents information in the buffer memory to the contents provider server, and sending a command for requesting re-sending of contents information subsequent to the last download position," or "and reproducing the contents information subsequent to the last download position with the data read from the interactive optical disc." In Minoda, 1) the erroneous access unit is identified, 2) production (e.g., reading) is resumed starting several access units prior to the erroneous access unit, 3) data from the new starting position is read from the memory, 4) the newly read data is verified, 5) the starting position is identified, and 6) the new data is overwritten onto previously recorded data. This data is subsequently reproduced.³ Because Minoda overwrites onto previously recorded data, Minoda does not reproduce contents information subsequent to the last download position, let alone with the data read from the interactive optical disc. That is, the restart position in Minoda is different from the restart

² Minoda, paragraph [0008] of English language translation provided with Official Action.

³ Minoda, paragraph [0011] of English language translation provided with Official Action. See also paragraphs [0027] and [0033]-[0035].

position in Applicant's claimed invention. Furthermore, the restart position is a reading/writing restart position, not a data download restart position.

For at least the preceding reasons, Applicant submits that claim 1 patentably defines over the applied references.

Turning now to independent claim 6, contrary to the Official Action, Chung and Minoda do not disclose or suggest "b) if receipt of the contents information from the contents provider server into the buffer memory is suspended or delayed and if a size of the contents information downloaded into the buffer memory and not reproduced yet is below a predetermined reference value, automatically pausing a data reproducing operation of the interactive optical disc for a predetermined period of time and, after the predetermined period of time, determining whether there is contents information received over the Internet; and c) if there is contents information received over the Internet after the predetermined period of time, re-synchronizing and reproducing subsequently received contents information and data read from the interactive optical disc." The cited passages of Chung and Minoda make no reference to a) determining whether or not "a size of the contents information downloaded into the buffer memory and not reproduced yet is below a predetermined reference value."

The cited passages of Chung and Minoda make no reference to b) "automatically pausing a data reproducing operation of the interactive optical disc for a predetermined period of time and, after the predetermined period of time, determining whether there are contents information received over the Internet."

Accordingly, the cited passages of Chung and Minoda make no reference to "c) if there is contents information received over the Internet after the predetermined period of time, re-

synchronizing and reproducing subsequently received contents information and data read from the interactive optical disc.”

In view of the preceding comments, Applicant submits that claim 6 patentably defines over the applied references. If Chung and/or Minoda are again cited for the above-described features of claim 6, Applicant requests that specific citations to exact phrases be identified to expedite progress toward allowance.

Turning now to independent claim 11, contrary to the Official Action, Minoda does not disclose or suggest “if receipt of the contents information from the contents provider server is suspended or delayed, estimating a number of missed synchronizations during a corresponding suspension or delay period based on the counted synchronizations, and sending a command for requesting re-sending of contents information corresponding to the estimated number of missed synchronizations.” As a first point of order, the resumption of reproduction two units prior to an error in Minoda is not related to missed synchronizations. Second, the two units are not estimated, but are fixed. Furthermore, even if the two units of Minoda were estimated, Minoda does not describe that these two units are related to counted errors or synchronizations. Accordingly, Applicant submits that claim 6 patentably defines over the applied references.

Turning now to independent claim 18, contrary to the Official Action, the applied references do not disclose or suggest “calculating an offset between data read from the interactive optical disc and contents information received from the contents provider.” In Minoda, the two units prior to the error generating location are predetermined, and are not calculated. There is no discussion in Minoda of calculating a distance more or less than the described two units prior to the error generating location.

Turning now to independent claim 27, Applicant submits that claim 27 patentably defines over the applied references at least for the reasons discussed above relative to claims 1, 6, 11 and 18.

As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 6, 11, 18 and 27, Applicant submits the inventions defined by claims 1, 6, 11, 18 and 27, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.⁴

Turning now to dependent claim 5, as acknowledged by the Official Action, Chung and Minoda fail to disclose or suggest receiving from the contents provider server an acknowledgement of the command for requesting re-sending prior to the step of receiving the contents information. Nonetheless, claim 5 is rejected in view of Official Notice. The Examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art.⁵ However, as set forth in M.P.E.P. § 2144.03, if an applicant traverses an assertion made by an Examiner while taking official notice, the Examiner should cite a reference in support of his/her assertion. Applicant respectfully traverses those grounds for rejection relying on Official Notice. Applicant does not consider the features for which Official Notice were taken to be "of such notorious character that official notice can be taken."

⁴ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations.

⁵ *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)

Applicant further traverses the taking of Official Notice regarding claims 16-17, 21-26, 28 and 30. Thus, Applicant requests that the Examiner cite a reference in support of his/her assertion regarding claims 5, 16-17, 21-22 and 30.

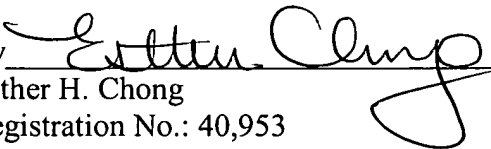
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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